R.D. File No. 252

1939

Collection No.

Mysore Residency

(P 6)

CC
21/7/47

Pros. Serial Nos. 1 – 2

(K)

Subject.

Exemption under Sec. 320 (1) of the Criminal Procedure Code from liability to serve as Juror or assessor (Mr. G. R. Sarma, G. D. A., R.H. 251-granted.

Previous References.

Later References.

S. 97.—(Green).

853 S&P—(M-2971)—24-8-38—100,000.

D.2567. S.N.1

Page 102 of "Unrepealed Central Acts.) Vol. IV (Not put up)

1

Under Section 320 (1) of the Criminal Procedure Code, the Resident is empowered to exempt the applicant from serving as juror or assessor.

2

Page 152 of "Unrepealed Central Acts.) Vol. IV

The list of persons liable to serve as jurors or assessors is prepared by the Sessions ~~xxxd~~ Judge, and the Collector. (Vide section 321(1) of the Criminal Procedure Code.) The P.U.C. may therefore be sent U/O to the Sessions Judge and to the Collector for favour of remarks.

29/3/39

W 28.3.39

AC 28.3.39.

To

The Sessions Judge.
The Collector.

U/O No.D.2567 d.29-3-39.

Skey.

3

I do not think it is either expedient or desirable to grant Mr.G.R. Sarma permanent exemption from liability to serve as an assessor under Section 320(1) of the Code of Criminal Proceedure on the ground that he is a practising auditor. The classes of persons exempt from liability to serve as assessors are given in clauses (a) to (k) of Section 320 of Criminal Proceedure Code and an auditor is not covered by any of these clauses though other professional men such as surgeons and legal practitioners in actual practice are exempt. It is therefore clear that the intention of the legislature is not to exempt auditors and other professional men not covered by clauses (a) to (k) from serving as ~~xxxxxxxx~~ assessors. No doubt the local Government may exempt any person from serving as an assessor under clause (1) of Section 320 but I presume that the local Government will not ordinarily grant this exemption unless there are special reasons for

Page 151 of "Unrepealed Central Acts" Vol.IV.

doing so. Mr. Sarma has not urged any special grounds in his application for the local Government to grant him an exemption under Section 320 (1). Exemption from serving as an assessor in any particular case is generally granted by the Sessions Judge to any person who applies to him for such exemption on the ground of "bodily inconvenience" if his application is supported by a certificate from a competent medical authority, ~~while~~ but financial inconvenience is not recognised as a valid ground for claiming exemption under the Code. Mr. Sarma has not alleged in his application that he is a permanent invalid. The "inconveniences, bodily and financially" referred to by Mr. Sarma are in the case of a practising auditor like him, I believe, of a temporary character and do not constitute in my opinion ~~as~~ sufficient grounds for granting him a permanent exemption under Section 320 (1) of the Criminal Procedure Code. The grant of a permanent exemption to Mr. Sarma is bound to encourage other professional men such as bankers, merchants etc. to move the local Government to grant them similar exemptions under Section 320 (1).

I may also point out in this connection that Mr. Sarma did not choose to apply for omission of his name from the list of assessors when the list was revised by the Sessions Judge and District Magistrate last year under Section 324 of the Code.

Page 152 of "unrepealed Central Acts" Vol. IV. (new part)

J.F.

P. Nadan
Sessions Judge.

U.O. No. 1835/39
Dated 5-4-39.

To

The Collector & District Magistrate,
C. & M. Station,
Bangalore.

I entirely agree with the D.J.

7-4-39

R.O. No. 1293-B-39 & 7/4/39.

3/

Please see from paragraph 1 of these notes. In the circumstances explained by the Sessions Judge, Mr.Sarma's request may be refused. Draft submitted.

19.4.39

21.4.39

26/4/39

S.N.2. Issue

Record

Mr. N.S.Y 9/82 11/3

G. R. SARMA, G.D.A., R.A.,
REGISTERED ACCOUNTANT.

25, St. John's Rd.,
Bangalore, 10 MARCH 1939

Ref. No. D.3728/39

To

The Secretary to the Hon'ble the Resident,
Civil and Military Station,
B a n g a l o r e.

Sir,

Juror or assessor - Section 328 C.P.C.

I have the honour to request you to exempt me from being included in the list of persons liable to serve as Jurors or assessors in the Criminal Sessions of the Courts in the Station, under clause (1) of Section 320 of the Code of Criminal Procedure as applied to the Civil and Military Station, Bangalore.

page 152 Unrepealed Central Acts Vol. IV

As a practising auditor I found it very difficult, on certain days well nigh impossible, to attend to the Criminal Sessions of the ~~XXXXXX~~ Station in the months of November and December 1938; putting up with all inconvniences, bodily and financially, I attended all the days during which the Sessions were continued. The Sessions Judge kindly exempted me, along with three other gentlemen who constituted the Assessors then, from attendance as such for a period of two years. I now request you to grant me exemption from liability to serve as Juror or assessor permanently under the clause and section above referred to.

Thanking you in anticipation.

I have the honour to be,
Sir,
Your most obedient servant,

G Sarma

c.s.

OFFICE OF THE
HON'BLE THE RESIDENT
BANGALORE
2567

Issued 2/5/39.

Issue 26.4.39

DRAFT
Letter.

R.Dis.No. F.252-39 Judl. 2nd May 1939

From

The Secretary to the Resident.

To

G.R.Sarma, Esq., G.D.A., R.A.,
Registered Accountant,
25 St.John's Road,
Bangalore.

Exemption under Section 320(1) of the Criminal Procedure Code from liability to serve as juror or assessor.

- - -

S.M.1
c.p.1
P.U.C

Reference your letter No.D. 3728/39, dated the 10th March 1939.

2. The Hon'ble the Resident ~~regrets his inability~~ considers that there is not sufficient reason to grant you permanent exemption from liability to serve as juror or assessor.

for Secretary to the Resident.

19.4.39

21.4.39.